

cket No. ARYX-101XC1

## DECLARATION (37 CFR 1.63) AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name: and

I believe that I am the original, first, and sole inventor (if only one name is listed below), or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **ULTRASHORT ACTING HYPNOTIC BARBITURATES**, specification for which is attached hereto. was filed April 24, 2001, Serial No. 09/841,738

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code §119 and/or §365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Application<br>Serial No. | Country | Filing Date | Priority Claimed |
|---------------------------|---------|-------------|------------------|
|---------------------------|---------|-------------|------------------|

I hereby claim priority benefits under Title 35, United States Code §119 of any provisional application(s) for patent listed below:

| Application<br>Serial No. | Filing Date   | Priority Claimed |
|---------------------------|---------------|------------------|
| 60/199,144                | 24 April 2000 | Yes              |

I hereby claim the benefit under Title 35, United States Code, §120 and/or §365 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| Application<br>Serial No. | Filing Date | Status (Patented,<br>Pending, Abandoned) |
|---------------------------|-------------|--|
|---------------------------|-------------|--|

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following persons registered to practice before the Patent and Trademark Office as my attorneys with full power of substitution and revocation to prosecute this application and all divisions and continuations thereof and to transact all business in the Patent and Trademark Office connected therewith: David R. Saliwanchik, Reg. No. 31.794; Jeff Lloyd, Reg. No. 35.589; Doran R. Pace, Reg. No. 38.261; Christine Q. McLeod, Reg. No. 36.213; Jay M. Sanders, Reg. No. 39.355; James S. Parker, Reg. No. 40.119; Frank C. Eisenschenk, Reg. No. 45.332; Jean Kyle, Reg. No. 36.987; Seth M. Blum, Reg. No. 45.489; Glenn P. Ladwig, Reg. No. 46.853.

I request that all correspondence be sent to:

David R. Saliwanchik  
2421 N.W. 41st Street, Suite A-1  
Gainesville, FL 32606-6669

I further request that all telephone communications be directed to:

David R. Saliwanchik  
352-375-8100

I Set No. ARYX-101XC1

Name of First or Sole Inventor Pascal DruzgalaResidence Santa Rosa, CA Citizenship FrenchPost Office Address 1512 Mission BoulevardPascal Druzgala Santa Rosa, CA 95409 USA Date 05/02/2001

Signature of First or Sole Inventor

Name of Second Joint Inventor Peter G. MilnerResidence Los Altos Hills, CA Citizenship United KingdomPost Office Address 14690 Manuella RoadPete G Milner Los Altos Hills, CA 94022 USA Date 5/2/01

Signature of Second Joint Inventor

Name of Third Joint Inventor \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_

Post Office Address \_\_\_\_\_

Date \_\_\_\_\_

Signature of Third Joint Inventor

Name of Fourth Joint Inventor \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_

Post Office Address \_\_\_\_\_

Date \_\_\_\_\_

Signature of Fourth Joint Inventor

Page 2 of 2 pages